



Docket:  
89589.113000

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant	:	A. Tanju Erdem	)	
			)	Examiner:
Serial No.	:	09/689,565	)	Seyed H. Azarian
			)	
Filed	:	October 12, 2000	)	Art Unit:
			)	2625
For	:	METHOD FOR TRACKING	)	
		MOTION OF A FACE	)	

**A RENEWED REQUEST TO WITHDRAW THE  
HOLDING OF ABANDONMENT  
And  
REQUEST TO PLACE PAPERS IN PROPER FILE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this renewed petition and a further request to move papers from an erroneously identified application (SN 09/689,566) into this application.

This application was deemed abandoned for failure to respond to a non-final office action. The non-final office action was mailed August 8, 2003. On January 5, 2004, Applicant mailed a response intended for his pending application. That response included (1) a request for a two month extension of time with a certificate of mailing, (2) a credit card information statement authorizing the Commissioner to charge \$210 to this attorney's credit card, (3) a 21 page amendment with a certificate of mailing and a postcard for acknowledging receipt of the papers. Copies of those papers are attached.

The two-month extension of time would have expired on January 4, 2003, a Sunday. The extension of time and the amendment were mailed on Monday, January 5, 2004. As such, mailing the papers on Monday, January 5, 2004 was timely. While the postcard correctly identified the correct serial number but the extension of time and the amendment contained an erroneous serial number.

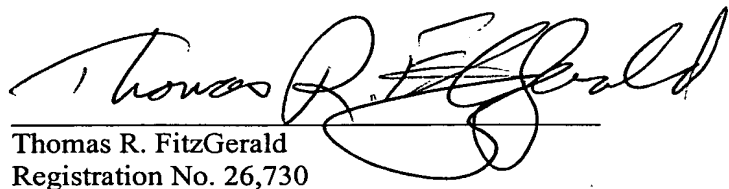
The papers mailed on January 5, 2004 contained a typographical error in the last digit of the serial number. Instead of typing a "5" as the last digit, the extension request and the amendment have a "6" as a final digit. It is likely the papers were placed in the wrong file. Perhaps this mistake would have been noticed by the USPTO except for the further unfortunate fact that Applicant had another application that had a serial number almost identical to this one except his ended in a "6." That application, 09/686,566, was allowed in a notice of allowance mailed February 13, 2003. The issue fee was mailed April 28, 2003. As such, as of January 5, 2004, prosecution on the merits was closed in the '566 application. Any papers filed in it would have been ignored.

Applicant's attorney did not recognize the problem until he received the Decision mailed October 15, 2004 on the petition to reconsider the abandonment. I am sure the petition's examiner was confused by the papers and I sincerely apologize for my error. I assure the Commissioner that the error was unintentional, was purely clerical in nature and was not made for the purpose of delay. It was an inadvertent typographical error, but the papers for the response were timely mailed, albeit with the wrong serial number.

Applicant's attorney cannot find any section of the rules of practice or the MPEP that is directly on point. However, Rule 1.5 indicates that the Office will give the applicant an opportunity to resubmit papers if they are timely filed but returned to the applicant because of an erroneous application number.

In the spirit of the curative purpose of Rule 1.5, Applicant requests that the Commissioner exercise his discretion, revive the application, remove the erroneously filed papers from the '566 application and place them in the correct application, SN 09/689,565.

Respectfully submitted,

  
Thomas R. FitzGerald  
Registration No. 26,730

Law Office of Thomas R. FitzGerald  
16 East Main Street, Suite 210  
Rochester, New York 14614-1803  
Telephone (585) 454-2250  
Fax (585) 454-6364

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**Applicant(s): **A. Tanju Erdem**

Docket No.

**89589.113000**

Application No.

**09/689,565**

Filing Date

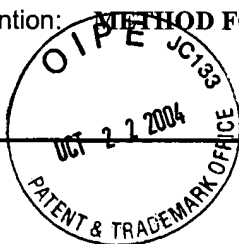
**October 12, 2000**

Examiner

**Seyed H. Azarian**

Customer No.

Group Art Unit

**2625**Invention: **METHOD FOR TRACKING MOTION OF A FACE**I hereby certify that this **Renewed Request to Withdraw Holding of Abandonment (3 pgs.)**

(Identify type of correspondence)

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope

addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**October 20, 2004**

(Date)

**Penny P. Clements**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

**Note: Each paper must have its own certificate of mailing.**